

Remarks

In the Office Action dated December 16, 2003, the Examiner rejected claims 1, 3-7, 9-16 and 26-29 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,574,197 to Kliever (hereinafter Kliever) in view of U.S. Patent No. 6,379,009 to Fergason (hereinafter Fergason), claims 2, 8 and 30 under 35 U.S.C. § 103 as being unpatentable over Kliever in view of Fergason and further in view of U.S. Patent No. 6,283,598 to Inami (hereinafter Inami), claims 17-19 under 35 U.S.C. § 103 as being unpatentable over Kliever in view of Fergason and further in view of U.S. Patent No. 5,493,595 to Schoolman (hereinafter Schoolman '595), claim 20 under 35 U.S.C. § 103 as being unpatentable over Kliever in view of Fergason and Schoolman '595 and in further view of U.S. Patent No. 5,448,073 to Jeanguillaume (hereinafter Jeanguillaume), and claims 21-25 under 35 U.S.C. § 103 as being unpatentable over Kliever in view of Fergason and further in view of Jeanguillaume. Claims 31-43 are withdrawn. By this paper, Applicant amends claims 1, 5, 7, 11 and 19, and cancels claims 4, 6, 10 and 12. Support for the amendment to claims 1 and 7 can be found, for example, in now canceled claims 4 and 10, on Figures 1 and 2, and in the specification on page 10, ll. 1-4, page 11, ll. 15-17, page 14, ll. 15-23, page 15, ll. 8-27, page 19, ll. 5-11, and page 21 l. 5 through page 22, l. 17. Claims 5, 11 and 19 have been amended for consistency. As such, no new matter has been added.

With respect to the Examiner's rejections, the Examiner is requested to consider the following remarks.

Independent claim 1 provides a method detecting optically-invisible ionizing radiation emitted within an optically-opaque environment to obtain signals using two or more ionizing radiation detectors for converting the ionizing radiation into the signals, processing the signals to obtain stereoscopic data, and displaying the stereoscopic data directly to a user's eyes in the form of optically-visible radiation images superimposed on a view of the environment so that the user can obtain a stereoscopic 3D view of the radiation by utilizing natural human stereo imaging processes, where the stereoscopic 3D view does not interfere with the user's view of the environment. Independent claim 7 provides similar recitations in

connection with a system. The cited references, alone or in combination, fail to disclose, teach or suggest the limitations of the presently pending claims and the rejection should be withdrawn.

In particular, in one embodiment (i.e., the embodiment illustrated in Fig. 2), Kliever discloses an image of a forward view (i.e., a field of view from the forward scene) and range and target information displayed on a display panel. (Kliever, Fig. 2 and col. 3, ll. 10-42). Thus, the embodiment of Kliever illustrated in Fig. 2 fails to provide for displaying the stereoscopic data directly to a user's eyes in the form of optically-visible radiation images superimposed on a view of the environment so that the user can obtain a stereoscopic 3D view of the radiation by utilizing natural human stereo imaging processes, where the stereoscopic 3D view does not interfere with the user's view of the environment.

In another embodiment (i.e., the embodiment illustrated in Fig. 3), Kliever discloses a night vision goggle/helmet assembly providing stereoscopic dual field of vision of light corresponding to the right eye view and light corresponding to the left eye view. (Kliever, Fig. 3 and col. 3, ll. 47-67). Thus, the embodiment of Kliever illustrated in Fig. 3 fails to provide for displaying the stereoscopic data directly to a user's eyes in the form of optically-visible radiation images superimposed on a view of the environment so that the user can obtain a stereoscopic 3D view of the radiation by utilizing natural human stereo imaging processes, where the stereoscopic 3D view does not interfere with the user's view of the environment.

Further, no embodiment of Kliever discloses, teaches or suggests using two or more detectors.

Fergason has a filing date of March 30, 2000. (Fergason, front page, item 22). The present application claims the benefit of Provisional Application 60/129,837, filed April 16, 1999. As such, Fergason is not proper reference art against the present application.

In any case, Fergason is directed to overlaying a projected image on an actual view of an object where the image is identical to the actual view in size, shape, and scale. (Fergason, Abstract). Further, no embodiment of Fergason discloses, teaches or suggests using two or more detectors. As such, Fergason fails to cure the deficiencies of Kliever. Therefore, Kliever and Fergason, alone or in combination, fail to disclose, teach or suggest the limitations of the presently pending claims and the rejection should be withdrawn.

Yet further, Jeanguillaume is directed to a collimator having at least one opening in which the largest cross-section adjacent to the detector is greater than twice the intrinsic resolution of the detector. (Jeanguillaume, Abstract). Contrary to the Examiner's characterization, nowhere does Jeanguillaume disclose, teach or suggest using two or more detectors. As such, Jeanguillaume fails to cure the deficiencies of Kliever and Fergason.

Furthermore, even if the cited references, alone or in combination, resulted in the presently pending invention, the Examiner has failed to provide the motivation to combine the teaching of any of the embodiments of Kliever with the teachings of Fergason as is required for a *prima facie* case of obviousness under 35 U.S.C. § 103(a). The mere fact that references can be combined or modified, which Applicants do not agree is the case with respect to the cited reference, does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination or modification. (See, MPEP § 2143.01).

The teaching or suggestion to make the claimed combination must be found in the prior art, not in the applicant's disclosure. (See, MPEP § 2143; see also, *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999) ("Combining prior art references without evidence of ... suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability—the essence of hindsight.")). An attempt to piece together the Applicants' invention (e.g., piecing together any combination of the embodiments of Kliever with each other or any other reference) would be impermissible hindsight.

Regarding the claims which depend from independent claims 1 and 7, Applicants contend that these claims are patentable for at least the same reasons that claims 1 and 7 are patentable. Moreover, Applicants contend these claims recite further limitations, in addition to the limitations of claims 1 and 7, which render these claims additionally patentable.

In particular, regarding claims 2 and 8, the Examiner asserts that Inami discloses embodiments of a system for projecting images to the right eye and left eye of a user in a HMD to produce a 3-D image. However, the Examiner has mis-characterized the teaching of Inami. Contrary to the Examiner's assertion, Inami teaches projecting images to a screen (11) and to a half-mirror (15). (Inami, Figs. 1 and 5, col. 2, ll. 50-57 and col. 5, ll. 1-20). As such, Inami fails to provide a system for projecting images to the right eye and left eye of a user in a HMD to produce a 3-D image.

Consequently, in view of the above and in the absence of better art, Applicants' attorney respectfully submits the application is in condition for allowance which allowance is respectfully requested. A check in the amount of \$440 to cover \$55 for the Petition for a one (1) month extension to reply plus \$385 for the Request for Continued Examination is enclosed. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

The Examiner is requested to telephone the undersigned to discuss prompt resolution of any remaining issues necessary to place this case in condition for allowance.

Respectfully submitted,

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